

**ENTERED**

May 16, 2016

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

RANSON R. FULLINWIDER,

Plaintiff,

VS.

LLOYD'S REGISTER DRILLING  
INTEGRITY SERVICES, INC.,

Defendant.

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CIVIL ACTION NO. H-16-168

**MEMORANDUM AND OPINION GRANTING LEAVE TO AMEND AND DISMISSING  
PENDING MOTIONS AS MOOT IN LIGHT OF THE PLEADING AMENDMENT**

On January 20, 2016, the plaintiff, Ranson Fullinwider, sued Lloyd's Register Drilling Integrity Services, Inc. under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 *et seq.* (Docket Entry No. 1). On February 22, Lloyd's moved to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6). (Docket Entry No. 4). On March 14, Fullinwider amended the complaint as a matter of course under Rule 15(a)(1). (Docket Entry No. 7).

Lloyd's moved to dismiss the first amended complaint under Rule 12(b)(6). (Docket Entry No. 10). Fullinwider responded by filing a second amended complaint. (Docket Entry No. 14). Lloyd's moved to strike the second amended complaint because Fullinwider neither obtained its written consent nor leave of the court to file the amended pleading. (Docket Entry No. 19). Fullinwider then moved for leave to file a second amended complaint under Rule 15(a)(2). (Docket Entry No. 22).

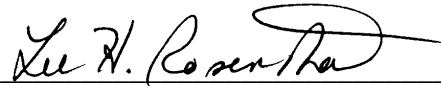
"The court should freely give leave [to amend] when justice so requires." FED. R. CIV. P. 15(a)(2). "Denial of leave to amend may be warranted for undue delay, bad faith or dilatory motive

on the part of the movant, repeated failure to cure deficiencies, undue prejudice to the opposing party, or futility of a proposed amendment.” *United States ex rel. Steury v. Cardinal Health, Inc.*, 625 F.3d 262, 270 (5th Cir. 2010).

Lloyd’s argued that the second amended complaint must be stricken because Fullinwider had not sought leave of the court to file an amended pleading. Fullinwider has since complied with the requirements under Rule 15(a)(2). The record shows no basis for denying leave to amend at this time.

Fullinwider’s motion for leave to amend is granted. (Docket Entry No. 22). The motion to strike is denied. (Docket Entry No. 19). The motions to dismiss are dismissed as moot, subject to reurging, in light of the pleading amendment. (Docket Entry Nos. 4, 10). The initial conference is set for **May 25, 2016 at 11:00 a.m.** in Courtroom 11-B.

SIGNED on May 16, 2016, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", written over a horizontal line.

Lee H. Rosenthal  
United States District Judge